Wetlands in Montana

Appendix C:

Wetlands in Montana

- Definition of Wetlands
- Benefits of Wetlands
- Challenges of Wetlands
- Ownership/Management
- Montana Wetlands Strategy
- Conservation Resources
- Wetland Acquisition

C.1 Introduction, Purpose & Definition of Wetlands

The Emergency Wetlands Resource Act of 1986 requires that each Statewide Comprehensive Outdoor Recreation Plan (SCORP) include a section about wetlands. This appendix is designed to meet that requirement by providing information about Montana's wetlands as follows:

C.1 Introduction, Purpose & Definition of Wetlands
- Responsibility for Wetlands in Montana
- Relationship of Land & Water Conservation Fund (LWCF) Program to Wetlands

C.2 Benefits of Wetlands
C.3 Challenges of Wetlands
C.4 Ownership & Management of Wetlands in Montana
C.5 Montana Wetlands Strategy
C.6 Wetlands Conservation Resources
C.7 LWCF Wetlands Acquisition

Definition of Wetlands

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.[1] Under this classification, wetlands must have one or more of the following three attributes:

1. At least periodically, the land supports predominantly hydrophytes (plants specifically adapted to live in wetlands);
2. The substrate is predominantly un-drained hydric (wetlands) soil; and
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Therefore, wetlands include marshes, swamps, bogs, fens and lowlands covered with shallow and sometimes ephemeral water (water present only in response to precipitation events) or intermittent water (water present for several weeks or months per year). The term wetlands also includes wet meadows, potholes, sloughs, the riparian zone, and river overflow zones. Shallow lakes and ponds, usually with emergent vegetations are included in the definition of wetlands. Permanent waters deeper than 2 meters (6.6 feet) are not included in the definition. Montana's wetlands include four major types:

- Depression wetlands: prairie and montane potholes, oxbows, ponds and lakeside wetlands;
- Slope wetlands: peat lands (fens), wet meadows, seeps, springs;
- Riverine wetlands: riparian wetlands, wetland floodplains and river sloughs; and
- Artificial or man-made wetlands.

[1] National Wetlands Priority Conservation Policy, U.S. Fish & Wildlife Service standard for wetlands classification, "Classification of Wetlands and Deepwater Habitats of the United States" by L.M. Cowardin, V. Carter, F.C. Golet, E.T. LaRoe (1979) FWS/OBS-79/31, 131 pp.

Table C.1
Overall Recreation Activity Participation of Montana Households 1998-99

Activity	%
Walking	75%
Recreational Shopping	53%
Wildlife Watching	52%
Attending Sporting Events	47%
Day Hiking	37%
Biking	35%
Attending Festivals	34%
Swimming	32%
Picnicking	31%
Attending Performances	29%
Participate in Sporting Events	29%
Nature Photography	29%
Visiting Museums	29%
Visiting Interpretive Centers	28%
Fishing (other than fly)	27%
Gambling	24%
Visting Art Galleries	24%
Motorcycling	22%
Visiting Native American Sites	19%
Hunting	18%
Camping - Tent	18%
Golfing	16%
Horseback Riding	15%
Visiting Attractions	14%
Fly Fishing	13%
Boating - Motorized	13%
Camping - Vehicle	13%
Backpacking	12%
Boating - Nonmotorized	11%
Sledding	11%
ATV/Off-road Recreation	10%
Downhill Skiing	10%
Snowmobiling	7%
Water Skiing	6%
Cross Country Skiing	5%
Ice Fishing	5%
Snowboarding	4%
Snowshoeing	2%

Source: ITRR Report 68

Responsibility for Wetlands in Montana

The Montana Department of Environmental Quality (DEQ) plays a lead role in statewide wetlands conservation, education and coordination of activities, along with the Montana Wetlands Council, other state and federal agencies, tribes and private landowners. At the federal level, the U.S. Army Corps of Engineers (COE) and the U.S. Environmental Protection Agency (EPA) are the lead regulatory agencies for wetlands under EPA's Clean Water Act.

Relationship of Land & Water Conservation Fund (LWCF) Program to Wetlands

The LWCF program provides funding for Section 6F Mitigation of Wetlands in cases where public outdoor recreation facility development will impact existing wetlands, or in cases where a community or eligible agency desires to acquire (through purchase or conservation easement) wetlands for outdoor recreation purposes.

C.2 Benefits of Wetlands

Montana's wetlands impart many benefits because provide a multitude of ecological, economic and social benefits. They provide habitat for fish, wildlife and a variety of plants. Wetlands also are important landscape features because they hold and slowly release flood water and snow melt, recharge groundwater, act as filters to cleanse water of impurities, recycle nutrients, and provide recreation and wildlife viewing opportunities.

Habitat: Wetlands and associated uplands form ecosystems that support a myriad of plants and animals, including many species of rare and endangered plants and animals found only in wetlands. Wetlands also act as nurseries for game fishing species. Waterfowl rely on wetlands for nesting, feeding and resting during migration. Big game and a variety of other mammals and birds use wetlands as a water source. Additionally, many species of frogs, snakes and turtles require wetlands. Loss of critical wetlands negatively impacts all types of wildlife and plants.

Conservation: Wetlands conserve natural resources through flood reduction, erosion control, water quality enhancement, biological diversity and productivity and groundwater recharge. They filter excess nutrients, sediment and other pollutants from water before it reaches streams, rivers, lakes and reservoirs. Wetlands also enrich open space by providing a variety of vegetation and wildlife.

Recreation: State and national recreation research as described within the main body of this SCORP consistently indicates that fishing, wildlife viewing, hunting, and boating are popular

outdoor recreation activities, and wetlands are integral to their vitality. Wetlands enhance fishing and hunting through provision of fish and wildlife habitat. Bird watching, one of the fastest growing recreational activities in the nation, is enhanced by wetlands providing many high quality bird watching locations. Also, enhanced water quality improves boating and swimming experiences in lakes, rivers and streams.

Table C.2

MT Nonresident Traveler Activities

Activity	# Visitors	%
Shopping	3,606,030	18.6
Wildlife watching	2,697,678	13.9
Day Hiking	2,401,564	12.4
Picnicking	1,954,901	10.1
Camping (devlp)	1,632,460	8.4
Fishing	1,208,550	6.2
Nature Study	847,366	4.4
Gambling	785,264	4.1
Camping (undevlp	704,911	3.6
Golfing	478,241	2.5
Rafting/Floating	425,728	2.2
Sporting Event	345,092	1.8
Backpacking	296,796	1.5
Off highway/ATV	256,730	1.3
Motor Boating	246,909	1.3
Downhill Skiing	242,262	1.3
Hunting	217,458	1.1
Mtn Biking	215,629	1.1
Road/Tour Biking	213,056	1.1
Canoe/Kayaking	181,445	0.9
Snowmobiling	115,425	0.6
XC Skiing	69,125	0.4
Water-skiing	68,090	0.4
Snowboarding	57,712	0.3
Snowshoeing	57,712	0.3
Ice Fishing	19,237	0.1
	19,345,372	100.0

Source: ITRR 2000-2001 Traveler Study

Economics: According to the Environmental Protection agency, wetlands contribute to the national economy by producing resources and commodities and providing other economic benefits. Wetlands provide plant food for commercial and recreational fish industries; contribute to recreational opportunities, improve water quality, and help control floods. Moreover, wetlands can provide economic benefits to communities. The United States Geological Survey found that Montanans value wetlands for recreation, education and aesthetics[2]. In 1998-99, a study of Montanans' recreation habits by the University of Montana Institute for Tourism & Recreation Research (ITRR) indicated that a significant percentage of Montanans enjoy wildlife watching (52%), hiking (37%), nature photography (29%) and fishing (27%) (Table C.1). Wetlands are important to tourism for the extensive opportunities they provide for fishing, camping, and wildlife viewing. A 2000-2001 ITRR study of nonresident visitors indicated that wildlife watching, fishing and nature study were among the top activities of tourists (Table C.2). Nationally, approximately 160 million Americans spent $29.2 billion in the U.S. to observe, photograph or feed wildlife in 1996[3]. Moreover, bird watching in the U.S. is growing at a faster rate than biking, pleasure walking, skiing and golf among recreational activities, with some 21 million participants. While not all of these activities occur in wetlands, the data demonstrate a tremendous national interest in wildlife. Additionally, wetlands stop pollutants from entering receiving waters, contain flood water storage, and often enhance property values and marketability.

C.3 Wetlands Challenges

Mitigation of Conservation Impacts

While wetlands conservation has many positive impacts, the act of acquiring wetlands also can remove land from local tax rolls, remove agricultural lands from production, and prevent or redirect community growth and development. Some of the issues affecting Montana today include private property rights and jurisdiction (designation of wetlands as land or water), and conflicts between wetlands conservationists and agricultural interests who would like to utilize water from wetlands for irrigation, especially during times of drought. It is important to understand and mitigate the negative economic

[2] National Water Summary on Wetland Resources, Water-Supply Paper 2425, 1996, U.S. Geological Survey.
[3] The North American Bird Conservation Initiative in the United States: *A Vision of American Bird Conservation*, 2000, U.S. North American Bird Conservation Initiative Committee.

There's More Than One Way to Protect Wetlands

- Every year, the federal government and Americans across the country preserve, restore and enhance thousands of acres of wetlands through cooperative conservation efforts, partnerships and voluntary programs.
- In 2000, 1.96 million acres of wetlands were safeguarded and preserved through nonregulatory efforts. 200,000+ acres of wetlands in FWS National Wildlife Refuges were rehabilitated, and 2,000 acres of wetlands were added. Other public-private partnerships created, restored or protected an additional 108,000 acres of wetlands.
- What's more, these figures actually understate the total wetlands preserved through voluntary efforts. They do not include wetlands restored or protected by private landowners working on their own. They do not take into account the expansion in citizen stewardship and cooperative conservation programs which accelerate wetland protection through private-federal collaboration.
- No single partnership will conserve America's wetlands. But taken collectively, the partnerships point to a compelling strategy. By leveraging public dollars to expand volunteer partnerships, we can address the needs of wetlands and meet or exceed the goals we have set for ourselves.

Gale Norton, Secretary of the Interior and Ann Veneman, Secretary of Agriculture

Source: *New York Times*

impacts of wetlands conservation in order to maximize the positive impacts. Ongoing planning for wetlands protection and restoration should consider and involve all parties affected by wetland conservation.

Overuse

While wetlands provide significant recreation benefits, there is a potential for overuse of wetlands by visitors. Visitation by both residents and nonresidents must be balanced with protection of the resource in order to retain sustainability of the wetlands conditions for the long term.

West Nile Virus

West Nile Virus (WNV) appeared in the U.S in 1999 and reached Montana in 2002. This disease is spread by infected mosquitoes, which breed in standing water. The Montana Department of Public Health and Human Services (DPHHS) is working with the state departments of Livestock, FWP and Agriculture on a disease surveillance and mosquito abatement program. Nationally, the focus of WNV prevention efforts are on urban mosquitoes, through control of standing water sources such as old flower pots, birdbaths, paint cans, tires and irrigation canals.

While some wetlands provide habitat for mosquitoes, healthy wetlands are less likely to harbor disease-carrying mosquitoes, especially when they are supplied by a clean water source and contain a balance of vegetation, wildlife, water and predator/ prey relationships. The Montana Department of Health and Human Services recommends an Integrated Pest Management approach, utilizing biologically controlled larvacides, as well as adult mosquito control. The Centers for Disease Control specifies methods for prevention of the virus (See section C.6).

The DPHHS web site provides detailed information about WNV prevention and mosquito control: http://www.dphhs.state.mt.us/news/westnilevirus/westnilevirus.htm. It is important for outdoor recreation managers to be aware of WNV issues, and inform the public about the importance of avoiding being bitten and using mosquito repellants while recreating outdoors.

C.4 Ownership & Management of Wetlands in Montana

According to 1980's estimates, approximately 840,000 acres of land in Montana are wetlands (0.9% of the state's land area)[4]. Significant wetlands exist in northern Montana. Southeastern Montana has the fewest wetlands, but still has significant riparian wetlands areas along the Powder and Tongue Rivers. Since only 37.5% of Montana is publicly owned, private landowners play a major role in protecting and managing wetlands. Dahl (1990) estimated that since the time of western development, approximately 27% of Montana's wetlands have been lost to filling or drainage, largely as a result of agricultural conversion and infrastructure development. However, a systematic inventory of Montana's wetlands, which has been underway for 21 years, has not been completed. Providing wetland management technical and financial assistance to private landowners is a major priority for federal and state agencies working on wetland resources in Montana

Montana's wetlands are owned and managed by numerous public and private entities. The following paragraphs provide an overview of wetlands stewardship and management in Montana.

STATE AGENCIES

DEQ: The Montana Department of Environmental Quality (DEQ) plays a lead role in wetlands protection and conservation in Montana. The Montana DEQ addresses wetlands through various activities including administration of the EPA 104(b)(3) Wetlands Protection Grants Program; Section 401 certification of the Clean Water Act; wetlands monitoring and assessment; and leadership for the Montana Wetlands Council (see section C.5). The Montana Wetland Clearinghouse, which is part of the Montana Natural Resource Information System (NRIS), managed by the Montana State Library, can be found at http://nris.state.mt.us/wis/wetlands.

DNRC: The Montana Department Natural Resources & Conservation (DNRC) manages all land below the low water level of navigable lakes and streams, along with 5.2 million acres of land statewide. An estimate of the wetlands acres under management by DNRC is not available.

FWP: Montana Fish Wildlife & Parks (FWP) does not have data about the acreage of land it manages that can be classified as wetlands. However, wetlands are a priority concern to FWP because wetlands, riparian areas, and associated uplands are essential to the conservation of Montana's fish and wildlife populations and outdoor recreation opportunities. A goal of FWP is healthy and fully functioning wetlands for the benefit of all who live in or visit the state.

[4] Dahl, T.E. (1990): *Wetlandss - Losses in the United States, 1780's to 1980's*, USF&WS.

FEDERAL AGENCIES

EPA: The U.S. Environmental Protection Agency (EPA) plays a key role in wetland protection because it administers the Clean Water Act (1972). The stated purpose of the Clean Water Act is "to restore and maintain the chemical, physical and biological integrity" of the nation's waters. In addition to a regulatory approach to protect wetlands, EPA provides technical and financial assistance to states, local governments and tribes, and outreach to the public. For more information:

www.epa.gov/owow/wetlands; or www.epa.gov/region8/water/wetlands/wetlands.html Region 8 Wetlands serving Montana, Colorado, North Dakota, South Dakota, Utah, Wyoming and 27 Tribal Nations.

COE: The U.S. Army Corps of Engineers (COE) also has a regulatory role in wetland protection. Section 404 of the Clean Water Act is jointly administered by the COE and EPA, and requires approval from the COE before placing dredged or fill material into waters of the United States, including wetlands. Jurisdictional information can be found at www.nwo.usace.army.mil (under Permits - Montana).

NRCS: The USDA Natural Resources Conservation Service (NRCS) works in partnership with private landowners to conserve natural resources on private lands. NRCS administers numerous technical and financial assistance programs, including several programs aimed at restoring and protecting wetlands on private lands.

BLM: Pre-1997 data indicates that the Montana Bureau of Land Management (BLM) district is responsible for 62,514 acres of wetlands. While the majority of these wetlands are found in the eastern Montana pothole regions, additional acreage is found in North and South Dakota. The BLM is working on wetlands mapping with two primary emphases: proper functioning condition and waterfowl habitat value. To date the mapping has been completed for less than 10,000 acres across Montana and the Dakotas, or 16% of the total estimated acreage. Mapping also is being completed in coordination with Ducks Unlimited using satellite imagery to determine priority conservation areas, and the resulting data will help determine existing wetlands conditions.

NPS/GNP: The National Park Service (NPS)/Glacier National Park (GNP) encompasses 1,007,963 total acres, of which 37,848 are wetlands. These wetlands have been classified as lacustrine (26,806 acres), palustrine (7,812 acres) and riverine (3,230 acres) varieties.

USFS: The USDA Forest Service (USFS) also has significant holdings of wetlands, estimated to be 382,700 acres, or 2% of the 19,135,000 acres of the Forest Service lands in Montana. Mapping and data analyses of wetlands is ongoing.

USFWS: The U.S. Fish & Wildlife Service (USFWS) manages significant wetlands acreage in Montana, and possesses detailed information about wetlands acreage and use. Specifically, USFWS manages 128,000 acres of wetlands across five wetland management districts (WMD): Benton Lake Wetlands WMD, Bowdoin WMD, Charles M. Russell WMD, Northeast Montana WMD, and Northwest Montana WMD. These management districts enhance biological diversity and recreation opportunities, including fishing, hunting, wildlife viewing and educational activities.

Region 6 of the USFWS is headquartered in Denver, Colorado. The region is responsible for prioritization of wetlands protection by means of strategies contained in the ***Regional Wetlands Concept Plan***, USFWS Mountain Prairie Region (July 1990).

Summary of Wetlands Acreage in Montana by Managing Entity

USFS (estim.):	382,700
USFWS (estim.):	128,000
BLM (estim.):	62,514
NPS (estim.):	37,848
MT FWP:	??
MT DNRC:	??
Montana Tribes:	??
Private Landowners:	??
Other:	??

According to the overall USFWS wetlands prioritization policy: "Wetlands given priority consideration for acquisition will be those that provide a high degree of public benefits, which are representative of rare or declining wetlands types within an eco-region and that are subject to identifiable threats of loss or degradation. Threshold criteria to be considered in determining acquisition priorities include functions and values of wetlands, historic wetlands losses, and threat of future wetlands losses."

At a higher level, the National Wetlands Priority Conservation Plan (NWPCP) considers the following:

1. Estimated proportion remaining of the respective types of wetlands which existed at the time of European settlement;
2. Estimated current rate of loss and threat of future losses of the respective types of wetlands;
3. Contributions of the respective types of wetlands to:
   a. Wildlife, including endangered and threatened species, migratory birds, and resident species;
   b. Commercial and sport fisheries;
   c. Surface and groundwater quality and quantity, and flood control;
   d. Outdoor recreation; and
   e. Other areas or concerns which are considered appropriate, such as natural attributes, education, research, scenic, archaeological, historical and open space issues.

When a wetlands site is added to the USFWS list of wetlands sites warranting priority consideration for acquisition, it does not mean that the wetlands necessarily will be acquired; rather, that the site qualifies for acquisition consideration. Any subsequent decision to purchase property must rely on willing sellers, additional data, funding availability, policies, and conditions that are not a part of the NWPCP. Any listing of wetlands for acquisition consideration has no direct bearing on Federal regulatory programs or the evaluation of wetlands for regulatory purposes.

PRIVATE LANDOWNERS: 62.5% of Montana is privately owned, and these land stewards play a large role in wetlands management. The USFWS, NRCS, FWP and several other agencies and organizations provide technical and financial assistance to private landowners in their conservation efforts.

C.5 Montana Wetlands Conservation Strategy

In the early 1990's, the Montana Department of Environmental Quality/Water Quality Division (DEQ/WQD) received EPA grant funds to develop a Montana Wetlands Conservation Strategy. DEQ hired a State Wetland Coordinator, who assembled a Montana Wetlands Council – a forum of interested individuals and groups focused on wetlands conservation and management. The Council developed a wetlands conservation strategy that is used as Montana's conservation

directive, and available online at http://nris.state.mt.us/wis/wetcouncilmain.html. The Montana conservation strategy is consistent with the national policy of no net loss of wetlands acreage. As a part of this strategy, one of the objectives is to identify and prioritize unique, high-quality wetlands. In order to achieve wetlands conservation goals, the Montana Wetlands Council has developed a strategy with three primary goals:

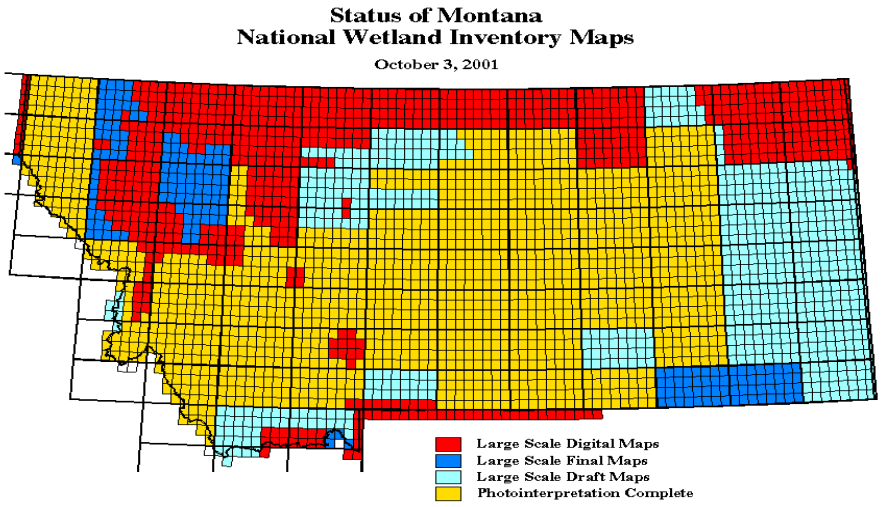
1. Enhance public education about wetlands;
2. Complete the National Wetlands Inventory of Montana; and
3. Improve voluntary, incentive-based conservation programs.

Education

Public education about wetlands is a priority to help citizens understand the function and benefits of wetlands, as well as proper wetlands stewardship. The Environmental Protection Agency 104(b)(3) wetlands protection grant program funds about $50,000 of wetlands youth and adult public education programs annually. Part of this funding is used for a Montana Department of Natural Resources and Conservation wetlands education program, ***Watercourse***, which provides information about wetlands through stewardship workshops and support to communities.

National Wetlands Inventory

Figure C.1



The National Wetlands Inventory is a non-regulatory inventory to help managers and the public locate and classify ecological wetlands for a variety of purposes. Maps are based on high altitude infrared photography and produced on standard U.S. Geological Survey 1:24,000 topographic maps. About one third of Montana has been mapped, but only 20% is digitized, and of the remainder, half has not been photo-interpreted. Figure C.1 at right shows the status of the National Wetlands Inventory for Montana. The most current work scheduled for inventory includes 520 miles along the Madison and Missouri River corridors from Lake Hebgen to Fort Peck Dam. Nationally, only Utah matches Montana in the incompleteness of its wetlands inventory.

Voluntary, Incentive-Based Conservation

Voluntary, incentive-based conservation is a primary goal because the Council recognizes the role private land stewardship plays in wetlands conservation. Private wetlands conservation is being promoted in a number of ways, including land owner workshops and the publication, ***A Landowner's Guide to Montana Wetlands*** (available online at http://nris.state.mt.us/wis/wetlands/LandownerGWetlands.pdf or via mail from the Montana Watercourse program (see section C.6). This very useful guide includes wetlands definitions, incentive programs available through state and federal agencies, and contacts to assist landowners with wetlands conservation and management. One conservation approach not included in the Landowner's Guide is the updated Conservation Reserve Program (CRP) plan which was included in the 2002 Farm Bill

The ***Planners Guide for Montana Wetlands***, available from Montana DEQ, addresses planning issues to protect wetlands and riparian areas of interest to local government planners, planning board members, elected local officials and interested citizens.

Wetland Prioritization

One of the suggested requirements for a SCORP wetlands section is a listing of wetland types which should receive priority for acquisition. Unfortunately, this type of list is not currently available for Montana. Whenever the LWCF program is required to make a choice between two or more distinct wetland areas as part of a mitigation proposal, recreation facility managers are encouraged to consult with wetland experts to prioritize and rank the wetlands in order of their desirability for acquisition. Other resources include Montana Watercourse section, page C-9, and the manual, "Who Does What With Montana's Wetlands." See "Wetland Consultants", page C-9, and the US Army Corps of Engineers' engineering and environmental consultant list. Managers are also advised to utilize the Montana Wetland Assessment Method (May 25, 1999), an 18-page document prepared for the Montana Department of Transportation. The document outlines a wetland evaluation method which was developed for application to highway projects in Montana, and was facilitated by the Montana Department of Transportation and Montana Fish, Wildlife & Parks.

Partners of the Wetlands Legacy

- American Public Land Exchange
- American Rivers
- Aquatic Design and Construction
- Bitter Root Land Trust
- Ducks Unlimited, Inc
- Five Valleys Land Trust
- Gallatin Valley Land Trust
- Montana Audobon Council
- Montana Dept. of Environ'l Quality
- Montana Dept. of Natural Resources & Conservation
- Montana Dept. of Transportation
- Montana Fish, Wildlife & Parks
- Montana Fish, Wildlife & Parks Fdtn
- Montana Land Reliance
- Montana Natural Heritage Program
- Montana Natural History Center
- Montana Ranchers, Farmers, Other Landowners
- Montana Watercourse
- Pheasants Forever
- PPL Montana
- The Conservation Fund
- The Nature Conservancy
- River Network
- Rocky Mountain Elk Foundation
- Trust for Public Land
- U.S. Bureau of Land Management
- U.S. Bureau of Reclamation
- U.S.D.A. Natural Resources Conservation Service
- U.S. Fish and Wildlife Service
- Other Interested Individuals

C.6 Wetlands Conservation Resources

There are two main arenas of wetlands conservation activity: public and private. Private avenues of conservation are well defined in ***A Landowner's Guide to Montana Wetlands*** available from the Montana Watercourse Program listed on the next page. The Guide includes groups involved in private wetlands conservation such as the Montana Association of

Conservation Districts, Ducks Unlimited and the Farm Service Agency. There are additional funding sources or programs available specifically for public wetlands conservation. Helpful programs and resources are described below.

WETLANDS LEGACY: The Montana Wetlands Legacy is a partnership of over 30 entities interested in supporting voluntary "on-the-ground" wetlands protection. The Legacy's main goal, established in May of 2000, is to protect 250,000 acres of ecologically important wetlands, riparian areas, and associated uplands by May of 2005. As of October 2001, the Legacy had protected approximately 70,000 acres, and additional acreage is protected but not yet quantified. The Legacy actively coordinates efforts with various groups such as the USFWS, Ducks Unlimited and Pheasants Forever.

Contact: Tom Hinz
Montana Wetlands Legacy Coordinator
Montana Fish, Wildlife and Parks
1400 South Nineteenth, Bozeman, MT 59718
(406) 994-7889, thinz@montana.edu
www.wetlandslegacy.org

MONTANA WETLANDS COUNCIL: The Montana Wetlands Council is a forum that promotes cooperative wetland resource management in Montana. Their mission is to develop a strategy and coordinate efforts to protect, conserve, and enhance Montana wetland resources for present and future generations. They support environmentally responsible wetland resource stewardship through the cooperation of public and private interests. As listed on their web site, their strategic statement says: "We will actively seek comments, concerns, and needs from private landowners and groups when developing strategies related to wetlands." http://nris.state.mt.us/wis/wetcouncilmain.html.

Contact: Lynda Saul, Coordinator
Montana Department of Environmental Quality
1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901
(406) 444-6652, lsaul@state.mt.us

CHALLENGE COST SHARE: The Bureau of Land Management (BLM) has a Challenge Cost Share program that can be used to fund the protection of riparian and wetlands sites. The Challenge Cost Share Program partners state and private groups and matches them with federal funds for conservation activities. Qualification for the program requires matching funds or donations of labor/material; a minimum of a 1:1 ratio of federal to non-federal dollars; and application at the national level. On average, the Montana-Dakota region receives $700,000 annually.

Contact: Roxeanne Falise
Bureau of Land Management
P.O. Box 36800, Billings, MT 59107
(406) 896-5025

WETLANDS GRANTS: The Montana Department of Environmental Quality (DEQ) administers the Wetlands Protection Grants Program of the U.S. Environmental Protection Agency (EPA), and disseminates information about other wetlands conservation resources. The Wetlands Protection Grant program is an annual program for tribal, state and local governments to use in developing the capacity to protect wetlands resources. Public entities submit proposals for protection funding, which are evaluated based on the significance of the wetlands and the number of applications received.

Contact: Lynda Saul, Wetland Coordinator
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MDT WETLANDS MITIGATION: The Montana Department Transportation (MDT) performs wetlands mitigation as a result of permanently displacing wetlands during road construction. Section 404 of the Clean Water Act, Federal Highway regulation CFR 777, and Executive Order #11990 require mitigation for impacts. MDT seeks locations for matching acreage in mitigation. MDT also has a proven method of evaluating wetlands which is useful to public entities in determining wetlands quality.

Contact: Lawrence Urban
Montana Department of Transportation
Environmental Services Bureau, Mitigation
P.O. Box 201001, Helena, MT 59620-1001
(406) 444-6224

MONTANA WATERCOURSE: The Montana Watercourse is based at Montana State University in Bozeman, and is dedicated to providing quality publications and products for wetlands education. Significant educational tools include the WET water education course for teachers, and "WOW!" – the Wonders of Wetlands training to teachers. The Montana Watercourse also is involved in creating a planners guide to wetlands which provides information to local governments about how to conserve wetlands. The Montana Watercourse has published the manual, ***Who Does What With Montana's Wetlands,*** which is very useful in the determination of what to do with wetlands; and can be found online at http://nris.state.mt.us/wis/wetlandswho.pdf. The document was published in 1998, so some of the contacts have changes, but it is the most readily available and comprehensive source of who does what with Montana wetlands.

Contact: Karen Filipovich
Director of Montana Watercourse, Montana State University
P.O. Box 170575, Bozeman, MT 59715
(406) 994-6671

WEST NILE VIRUS (WNV): The Centers for Disease Control specifies methods for prevention of the virus. The web site, http://www.cdc.gov/ncidod/dvbid/westnile/qa/overview.htm, is dedicated to description and prevention of illnesses related to the virus.

WETLAND CONSULTANTS: The U.S. Army Corps of Engineers has an extensive and periodically updated list of engineering and environmental consultants known to have worked in Montana. The list can be found at http://www.nwo.usace.army.mil/html/od-rmt/consultantsnov7.htm, or can be obtained by calling (406) 441-1375.

EPA'S ADOPT-A-WETLAND PROGRAM: The Environmental Protection Agency (EPA) in partnership with other government agencies, nonprofit organizations and local citizens, shares responsibility for protecting our wetland resources. The EPA recognizes that an effective wetland protection program requires citizen involvement and sponsor's the Adopt-A-Wetland Program which encourages local groups to act as guardians of valuable wetlands resources. Information about the program is available from EPA Region 8 Wetlands Program, Mail Code: 8-EPR-EP, 999-18th Street, Suite 500, Denver, Colorado 80202-2405

LAND & WATER CONSERVATION FUND (LWCF): Montana's LWCF Program will have little overall consequence for wetlands protection and enhancement in the state. However, as was previously noted, there are two ways in which LWCF may be of value. A project sponsor may submit a grant application in which the project scope includes wetlands acquisition for recreational purposes. In addition, wetlands may be considered as replacement property in some instances where such land is needed to mitigate impacts of development. More details are provided below.

Contact: Walter W. Timmerman
Recreation Bureau Chief, Parks Division
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C.7 LWCF Wetlands Acquisition

Projects for acquisition of natural areas, including wetlands, are eligible for LWCF assistance. According to the LWCF Grants Manual (Chapter 640.2 (1) Types of Acquisition), a sponsor may acquire "lands and waters for public outdoor recreation, including new areas or additions to existing parks, forests, wildlife areas, beaches, and other similar areas." It continues, under 1(A), to include, "Areas with frontage on oceans, rivers, streams, lakes, estuaries, and reservoirs that will provide water-based public recreation opportunities, or the acquisition of water bodies themselves;" 1(B), "Land for creating water impoundments to provide water-based public outdoor recreation opportunities;" and 1(C), "Areas that provide special recreation opportunities, such as floodplains, wetlands, and areas adjacent to scenic highways."

State-sponsored projects have included a number of acquisition projects involving wetland resources. The State of Montana typically allocates half of available LWCF funds to local community projects and utilizes the remainder for state-sponsored projects, which include State Parks, Fishing Access Sites (FAS), and Wildlife Management Areas. The state now manages over 320 fishing access sites across the state. The majority of these sites were acquired with LWCF assistance. Most of these sites are situated on rivers; however, a number also include riparian habitat, marshes, and other bodies of water commonly defined as wetlands. State Parks and Wildlife Management Areas also include natural areas with wetlands.

Most LWCF grant applications submitted by local communities do not include wetlands acquisition components. Because Montana's annual LWCF apportionment is limited, the state caps the amount of funds a local community can request (currently $75,000). Acquisitions of large wetland tracts would require the local sponsor to increase its contribution past the 50% matching requirement, perhaps in combination with other partners.

Section 6(F) Conversions

When development activities impact an LWCF-assisted site, the affected area is said to undergo a "conversion-in-use." A conversion triggers Section 6(f)(3) of the LWCF Act of 1965 and replacement property is required as mitigation. The details are described in the LWCF Grants Manual (Chapter 675.9, Section 3) as follows.

Conversion**.** Property acquired or developed with LWCF assistance shall be retained and used for public outdoor recreation. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the NPS Regional Director pursuant to Section 6(f)(3) of the LWCF Act and 36 CFR Part 59. The Director has authority to disapprove conversion request and/or to reject proposed property substitutions.

The conversion provisions of Section 6(f)(3), 36 CFR Part 59, and this Manual apply to each area or facility for which Land and Water Conservation Fund (LWCF) assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractual agreement between NPS and the State. Responsibility for compliance and enforcement of these provisions rests with the State for both State **and** locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or other wise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the Department of the Interior. In many instances, this mutually agreed to area exceeds that actually receiving LWCF assistance so as to assure the protection of a viable recreation entity.

A. Conversions applicability. Conversions generally occur in the following four situations:
   1. Property interests are conveyed for non-public outdoor recreation uses.
   2. Non-outdoor recreation uses (public or private) are made of the project area, or a portion thereof.
   3. Non-eligible indoor recreation facilities are developed within the project area without NPS approval.
   4. Public outdoor recreation use of property acquired or developed with LWCF assistance is terminated.
   5. Exceptions.
      a. Underground utility easements that do not have significant impacts upon the recreational utility of the park will not constitute a conversion.
      b. Proposals to construct public facilities or to shelter or enclose Fund assisted or non-assisted outdoor recreation facilities without LWCF assistance, where it can be shown that there is a gain or increased benefit to public recreational opportunity, will not constitute a conversion. Final review and approval of such cases shall be made on a case by case basis by the responsible NPS office and in accordance with Section 640.3.9 and 675.9.3D-E.

B. Prerequisites to Consideration of Conversions. Requests from the project sponsor for permission to convert LWCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to the appropriate NPS Regional Director in writing. NPS will consider conversion requests if the following prerequisites have been met:
   1. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
   2. The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a State approved appraisal (prepared in accordance with uniform Federal appraisal

standards) excluding the value of structures or facilities that will not directly enhance its outdoor recreation utility.

Generally, this will necessitate a review of appraisals prepared in accord with Chapter 675.2 for both the property proposed to be converted and that recommended for substitution. However, at the discretion of the Regional Director, a State certification that appraisals of both properties are acceptable and reveal that the replacement property is of at least equal fair market value as that of the property to be converted can be accepted. Exercising this authority should be consistent with the State's review responsibilities with respect to donation appraisals (see 675.2.6E).

1. The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider State requests to change the project sponsor when it is determined that a different political jurisdiction can better carry out the objectives of the original project agreement. Equivalent usefulness and location will be determined based on the following criteria:
    a. Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of outdoor recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in magnitude and impact to the user community as the converted site. This criterion is applicable in the consideration of all conversion requests with the exception of those where wetlands are proposed as replacement property.

       In accordance with Section 6(f)(3) of the LWCF Act as amended by Section 303 of the Emergency Wetlands Resources Act of 1986, wetland areas and interests therein which have been identified in the wetlands provisions of the Statewide Comprehensive Outdoor Recreation Plan shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion regardless of the nature of the property proposed for conversion.
    b. Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation need. While generally this will involve the selection of a site serving the same community(s) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for outdoor recreation, then the project sponsor should seek to locate the substitute area at another location within the jurisdiction.

In summary, when an LWCF site is used, wholly or in part, for other than outdoor recreation, a conversion is said to have taken place. Upon approval by the Department of the Interior, mitigation must include replacement property. Replacement property must be of equal fair market value--according to current federal appraisal standards--should be contiguous to the

original site (if possible), and must be of equal recreational usefulness. Under law, all wetlands are considered to be of equal recreational usefulness; therefore, wetlands are always acceptable as replacement property.

References

Montana Department of Transportation: *Wetlands Assessment Method* (1999).

Cowardin, L.M. (1979): *Classification of Wetlands and Deepwater Habitats of the United States,* U.S. Fish & Wildlife Service.

Dahl, T.E. (1990): *Wetlands - Losses in the United States, 1780's to 1980's,* Washington D.C., U.S. Fish and Wildlife Service Report to Congress.

Federal Register (1980): *Guidelines for Specification of Disposal Sites for Dredged or Fill Material,* U.S. Government Printing Office, Washington, D.C.

Federal Register (1982): Title 33: Navigation and Navigable Waters, Chapter II, Regulatory Programs of the Corps of Engineers, U.S. Government Printing Office, Washington, D.C.

Montana Department of Public Health and Human Services West Nile Virus pamphlet (2002).

National Water Summary on Wetlands Resources, Water-Supply Paper 2425 (1996), U.S. Geological Survey.

The North American Bird Conservation Initiative in the United States: A Vision of American Bird Conservation (2000), U.S. North American Bird Conservation Initiative Committee.

U.S. North American Bird Conservation Initiative Committee (2000), Integrated Bird Conservation in the United States, http://www.nabci-us.org/aboutnabci/NABCIfndtn.pdf.

U.S. Fish and Wildlife Service (1993), National Wetlands Priority Conservation Plan, http://policy.fws.gov/660fw4.html.